

#6/8pm
3-26-04
Ret re
Aband.

I hereby certify that this correspondence is being deposited by facsimile transmittal to the United States Patent Office, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Transmittal: December 3, 2001

Typed Name of Person Mailing Paper or Fee: John S. Reid

Signature: *John S. Reid*

PATENT APPLICATION
DOCKET NO. HE01-003

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Randy HENRY

SERIAL NO.: 09/360,881

GROUP ART UNIT: 3711

FILED: July 23, 1999

EXAMINER: VARMA, S.

SUBJECT: GOLF CLUB SET

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

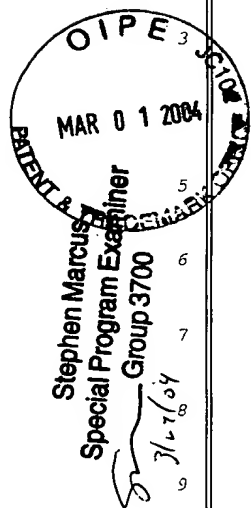
BOX CPA
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR OR MADAM:

This Petition is being filed in response to the Notice of Abandonment dated October 23, 2001.

The Applicant received the attached "Notice Of Abandonment" (hereinafter, "the Notice") on October 30, 2001. The Applicant believes the Notice was erroneously issued, and respectfully requests that the Commissioner withdraw the Notice. The facts are as follows:

S/N: 09/360,881
Case: HE01-003
Amendment B



Duplicate accepted
Mail date: December 2, 2001

1 The stated reasons for the holding of abandonment are that Applicant failed to
2 filed a proper reply to the Office action of April 11, 2001. However, the Applicant in
3 fact filed a Continued Prosecution Application ("CPA") on October 11, 2001, which
4 was six months (to the day) from the date of April 11, 2001 Office action. (A copy
5 of the CPA Transmittal, as well as the return receipt post card (bearing the stamp
6 of the USPTO) from the filing of the CPA are attached hereto). The CPA was filed
7 by U.S. Postal Service, Express Mail service. A copy of the Ex Post Declaration of
8 Express Mailing is also enclosed herewith. A "Request For Extension Of Time"
9 under 37 C.F.R. § 1.136(a) for three (3) months was included with the filing of the
10 CPA, along with the required fee for the extension of time. The CPA included a
11 response to the Examiner's stated reasons for rejecting the claims in the April 11,
12 2001 Office action. (A copy of the response is not enclosed herewith, but the
13 Applicant will be please to provide a copy upon request.) Accordingly, a proper
14 response to the Office action of April 11, 2001 was timely filed, in the form of the
15 CPA. It is therefore the Applicant's belief and opinion that the timely filing of the
16 CPA, as filed, satisfied the criteria for maintaining the present application, and that
17 a Notice Of Abandonment should not have been issued.

16 The Applicant therefore respectfully requests that the Commissioner withdraw
17 the Notice of Abandonment of October 23, 2001, and reinstate the application.

18 Applicant's agent left phone messages on October 30, 2001 with the Examiner
19 (S. Varma) and the Primary Examiner (Benjamin H. Layno) explaining the above
20 facts and asking that the Notice be withdrawn. Examiner Varma left a return
21 message with the Applicant's agent on October 31, 2001 indicating that the
Examiner had requested the file in order to investigate. However, the below-signed

S/N: 09/360,881
Case: HE01-003
Amendment B

1 agent has not heard further since the message of October 31, and therefore believes
2 it prudent to file this Petition.

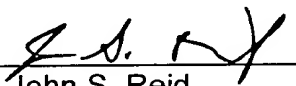
3 Since the issuance of the Notice of Abandonment appears to be erroneous, it is
4 the Applicant's belief and opinion that no fee is due for the filing of this Petition.

5 Should anyone within the Office have any questions regarding this Petition, or
6 require additional information, he/she is requested to contact the below-signed agent
7 by telephone.

8 Respectfully submitted,

9 Randy Henry, Applicant

10 December 2, 2001

11 
By: John S. Reid
12 Agent and attorney for Applicant
Reg. No. 36,369
13 Phone number (509) 534 5789
14 Facsimile No. (509) 532 0351
15
16
17
18
19
20
21



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY	DOCKET NO.
09/360,881	07/23/99	HENRY	R	HE01-003

JOHN S. REID
1926 SOUTH VALLEYVIEW LANE
SPOKANE WA 99212-0157

GM32/1023

EXAMINER

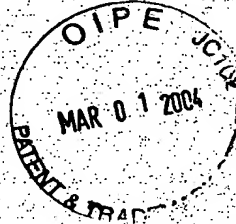
VARMA, S

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED:

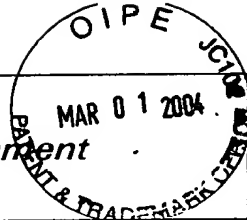
10/23/01



Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademark

Notice of Abandonment



Application No.
09/360,881

Applicant(s)

Henry

Examiner

Sneh Varma

Art Unit

3711



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Apr 11, 2001.

(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☒ No response has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.

(b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.

(c) ☐ No proposed new formal drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

Benjamin H. Layno
Primary Examiner

703-308-1815



HE01-003 Henry-Griffitts, Inc.

Express Mail No. EF341395345US
October 11, 2001

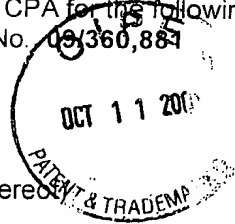
The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the following papers in reference to the filing of a CPA for the following patent application: Applicant: R. HENRY Serial No. 09/360,887
Filed: July 23, 1999, Titled: "Golf Club Set"

1. Return Receipt Postcard
2. Check in the amount of \$875.00
3. CPA Request Transmittal (and duplicate copy thereof)
4. Preliminary amendment

1135 U.S. PTO

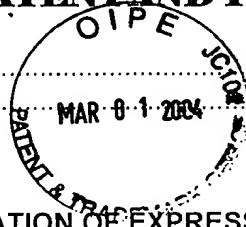


10/11/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORSHIP Randy HENRY
ATTORNEY'S DOCKET NO. HE01-002
TITLE: GOLF CLUB SET



EX POST DECLARATION OF EXPRESS MAILING

I hereby declare that I have deposited the below-listed papers with the United States Postal Service "Express Mail Post Office to Addressee" service, addressed and posted as indicated below, in compliance with 37 CFR 1.10. The Express Mail label No. has been placed on one or more of the papers listed.

Express Mail Number: EF341395345US EF 341395345 US
Date of Deposit: October 11, 2001
Time of Deposit: 10:26 AM / PM
Deposited By: ☒ Delivery to Postal Employee
☐ Placed in Drop Box
Addressee: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

Place of Deposit:

- | | |
|---|---|
| <input type="checkbox"/> U.S. Post Office (Riverside Station)
904 West Riverside
Spokane, Washington 99201
Last Scheduled Drop Box Pickup: 5:00 pm | <input checked="" type="checkbox"/> U.S. Post Office Manito Branch
3120 S. Grand Blvd.
Spokane, WA 99203
Last Scheduled Drop Box Pickup: 5:30 pm |
|---|---|

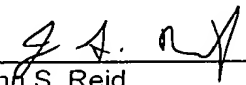
Listing Of Items Enclosed In Mailing:

1. Return Receipt Postcard
2. Check in the amount of \$875
3. Continued Prosecution Application (CPA) Request Transmittal
4. Preliminary Amendment, including Request for Extension of Time under 37 CFR 1.136

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

Dated this 11th day of October, 2001.

Dated at Spokane, Washington


John S. Reid

1 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in
an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

2 Date of Deposit: February 25, 2004

3 Typed Name of Person Mailing Paper or Fee: John S. Reid

4 Signature: 

PATENT APPLICATION

DOCKET NO. HE02-003

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

8 **INVENTORS: Ross HENRY**

CONFIRMATION NO. n/a

9 **SERIAL NO.: 09/360,881**

GROUP ART UNIT: 3711

10 **FILING DATE: July 23, 1999**

EXAMINER: VARMA, Sneh

11 **TITLE: GOLF CLUB SET**

12
13
14 **MAIL STOP DAC**
15 **COMMISSIONER FOR PATENTS**
16 **P.O. BOX 1450**
17 **ARLINGTON, VA 22313-1450**

PETITION TO WITHDRAW NOTICE OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

18 **SIR OR MADAM:**

19 This is a second submission of a Petition to Withdraw a Notice of Abandonment
20 under 37 C.F.R. § 1.181(a).

21
22 Petition

23 The Applicant hereby requests that the Commissioner withdraw the Notice of
24 Abandonment of October 23, 2001 for U.S. Patent Application Serial No. 09/360,881,
25 and reinstate the application.

*S/N: 10/001,297
Case 10011080-1
Amendment "B"*

1 Background and facts:

2 On December 2, 2001, the Applicant filed a "Petition to Withdraw a Notice of
3 Abandonment" for patent application serial no. 09/360,881, responsive to an October 23,
4 2001 "Notice of Abandonment." A true copy of the Petition dated December 2, 2001 is
5 attached hereto. All of the facts and documentation relevant to the Petition are included
6 therewith. The Petition was filed with the USPTO by facsimile transmission on
7 December 2, 2001. Attached is a true copy of the Auto-Reply Facsimile Transmission
8 report received from the USPTO, indicating that all 11 pages of the Petition were
9 received by the USPTO on December 2, 2001, 6:22:22 PM.

10 Having received no response to the Petition of December 2, 2001, on or about
11 February 6, 2004 the Applicant left a message with Examiner Benjamin Layno (being the
12 examiner who signed the Notice of Abandonment) requesting a status update on the
13 Petition. On or about February 9, 2004, Examiner Layno called the below-signed
14 attorney and informed him that the Petition had never been received. Examiner Layno
15 then recommended resubmitting the Petition. Accordingly, the Applicant hereby
16 resubmits the Petition of December 2, 2001.

17
18 Summary

19 The Applicant respectfully requests timely and favorable consideration of this
20 Petition.

21
22 Respectfully submitted,

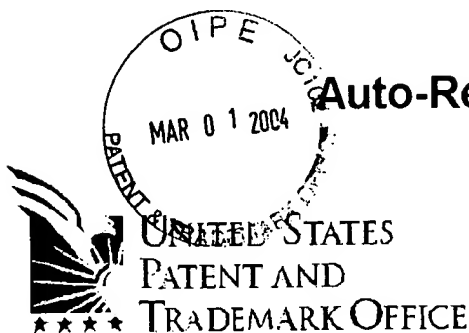
23 Ross HENRY

24 Date: February 25, 2004

25 By 
John S. Reid
Attorney and agent for Applicant
Reg. No. 36,369
Phone: (509) 534-5789

S/N: 10/001,297
Case 10011080-1
Amendment "B"

T0:Auto-reply fax to 5095320351 COMPANY:



TO:

Fax Sender at 5095320351

Fax Information

Date Received:

12/2/01 6:22:22 PM [Eastern Standard Time]

Total Pages:

11 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 702.04 et seq.

Received
Cover
Page

=====>

DEC-02-2001 SUN 04:51 PM FROM:REIDLAW

FAX:5095320351

PAGE 1

John S. Reid Attorney At Law
1626 South Valleyview Lane
Spokane, WA 99212-0118 /
Voice: (509) 334-0789
Fax: (509) 333-0361
Email: jsreid@searlink.net

REIDLAW, L.L.C.

Fax

To:	TC3700 - Customer Service	From:	Reidlaw, L.L.C.
Page:	703-672-0301	Pages:	11
Phone:	Petition to Withdraw Notice Of Abandonment	Date:	12/2/2001
Re:	for USSN 09/360,581	CC:	

☒ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

Re: Petition to Withdraw Notice Of Abandonment
Application Serial No. 09/360,581
Title: Golf Club Set

Our Ref: HED1-P03

Dear Sir or Madam:

Please find attached a Petition to Withdraw Notice Of Abandonment, submitted by John S. Reid, registration number 36,369.

[Signature]
John S. Reid

CONFIDENTIALITY NOTICE: The information contained in this facsimile transmission and any documents attached to it may contain confidential information that is legally privileged. If you are not the intended recipient or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please notify Reidlaw, L.L.C. immediately by phone at (509) 334-0789 or by e-mail at (509) 333-0361.

Reidlaw, L.L.C. 509-634-6789

Received from 5095320351 at 12/2/01 6:22:22 PM [Eastern Standard Time]

John S. Reid Attorney
1926 South Valleyview Lane
Spokane, WA 99212-0157
Voice: (509) 534-5789
Fax: (509) 532-0351
Email: louisareid@earthlink.net

REIDLAW, L.L.C.



Fax

To:	TC3700 – Customer Service	From:	Reidlaw, L.L.C.
Fax:	703-872-9301	Pages:	11
Phone:		Date:	12/2/2001
Re:	Petition to Withdraw Notice Of Abandonment for USSN 09/360,881		
CC:			

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☒ **Please Reply** ☐ **Please Recycle**

Re: Petition to Withdraw Notice Of Abandonment
Application Serial No. 09/360,881
Title: Golf Club Set

Our Ref: HE01-P03

Dear Sir or Madam:

Please find attached a Petition to Withdraw Notice Of Abandonment, submitted by John S. Reid, registration number 36,369.

John S. Reid

Confidentiality Notice: The information contained in this facsimile transmission and any documents attached to it may contain confidential information that is legally privileged. If you are not the intended recipient or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please notify Reidlaw, L.L.C. immediately by phone at (509) 534-5789 or via facsimile at (509) 532-0351.

Reidlaw, L.L.C. 509-534-5789

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION SERIAL NO.09/360,881
FILING DATE July 23, 1999
ART UNIT3711
EXAMINERS. VARMA
APPLICANTR. HENRY
ATTORNEY'S DOCKET NO. HE01-P03
TITLE: **GOLF CLUB SET**



PTO TRANSMITTAL LETTER AND CERTIFICATE OF FACSIMILE TRANSMITTAL

To: Box PETITIONS
Assistant Commissioner for Patents
Washington, D.C. 20231

From: John S. Reid
1926 South Valleyview Lane
Spokane, WA 99212-0157
Telephone: (509)534-5789
Fax: (509)532-0351

Enclosed are:

1. Transmittal Letter and Certificate of Facsimile Transmittal
2. Petition To Withdraw Notice Of Abandonment (3 pages)
3. Copy of Notice of Abandonment dated October 23, 2001 (2 pages)
4. Copy of Return Receipt Postcard for filing of CPA bearing the stamp of the USPTO dated October 11, 2001
5. Copy of Ex Post Declaration of Express Mailing for CPA, dated October 11, 2001
6. Copy of CPA Transmittal for October 11, 2001 filing of CPA (2 pages)

Submitted by:

Date: December 3, 2001

By: 

John S. Reid
Reg. No. 36,369

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify the items listed above as enclosed are being transmitted by facsimile to the U.S. Patent and Trademark Office, Assistant Commissioner for Patents, Washington D.C. 20231 on the below-indicated date.

Date: December 3, 2001

By: 

John S. Reid



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION SERIAL NO.09/360,881
FILING DATE July 23, 1999
ART UNIT3711
EXAMINER.....VARMA, Sneh
APPLICANT..... Ross HENRY
ASSIGNEE Henry-Griffitts, Inc.
ATTORNEY'S DOCKET NO.HE01-003
TITLE: **GOLF CLUB SET**

PTO TRANSMITTAL LETTER AND CERTIFICATE OF MAILING

To: Mail Stop DAC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: John S. Reid
1926 South Valleyview Lane
Spokane, WA 99212-0157
Telephone: (509) 534-5789
Fax: (509) 532-0351

Enclosed are:

1. Return Receipt Postcard
2. Transmittal Letter and Certificate of Mailing
3. Resubmission of Petition to Withdraw Notice of Abandonment
4. Copy of USPTO Auto-Reply Facsimile Transmission
5. Copy of original Petition to Withdraw Notice of Abandonment

RECEIVED

MAR 03 2004

TECHNOLOGY CENTER R3700

Date: February 25, 2004

By: _____

John S. Reid
John S. Reid
Reg. No. 36,369

CERTIFICATE OF MAILING

I hereby certify the items listed above as enclosed are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the below-indicated date.

Date: February 25, 2004

By: _____

John S. Reid
John S. Reid
Reg. No. 36,369